

Calendar No. 669

103D CONGRESS
2D SESSION

S. 2132

A BILL

To authorize appropriations to carry out the Federal Railroad Safety Act of 1970, and for other purposes.

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment and an amendment to the title

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IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 16), 1994

Mr. EXON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. HOLLINGS, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize appropriations to carry out the Federal Railroad Safety Act of 1970, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Railroad Safe-
5 ty Authorization Act of 1994”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 214(a) of the Federal Railroad Safety Act of
3 1970 (45 U.S.C. 444(a)) is amended by striking the first
4 sentence and inserting in lieu thereof the following:
5 “There are authorized to be appropriated to carry out this
6 Act not to exceed \$68,289,000 for fiscal year 1995 and
7 such sums as may be necessary for fiscal years 1996,
8 1997, and 1998.”.

9 **SEC. 3. HOURS OF SERVICE PILOT PROJECT.**

10 (a) IN GENERAL.—The Hours of Service Act (45
11 U.S.C. 61 et seq.) is amended by adding at the end the
12 following new section:

13 **“SEC. 7. HOURS OF SERVICE PILOT PROJECT.**

14 “(a) A railroad or railroads, and all labor organiza-
15 tions representing any directly affected covered service
16 employees of the railroad or railroads, may jointly petition
17 the Secretary of Transportation for approval of one or
18 more pilot projects to demonstrate the possible benefits
19 of implementing alternatives to the requirements of this
20 Act, including, but not limited to, those concerning maxi-
21 mum on-duty and minimum off-duty periods. Based on
22 such a joint petition, the Secretary, after notice and op-
23 portunity for comment, may waive, in whole or in part,
24 compliance with this Act for a period of no more than 2
25 years, if the Secretary determines that such waiver of com-
26 pliance is in the public interest and is consistent with rail-

1 road safety. Any such waiver may, based on a new peti-
 2 tion, be extended for additional periods of up to 2 years,
 3 after notice and opportunity for comment. An explanation
 4 of any waiver granted under this section shall be published
 5 in the Federal Register.

6 “(b) The Secretary shall submit to Congress no later
 7 than June 1, 1996, a report that explains and analyzes
 8 the effectiveness of any pilot projects approved under this
 9 section.”.

10 (b) CIVIL PENALTY.—The first sentence of section
 11 5(a)(1) of the Hours of Service Act (45 U.S.C. 64a(a)(1))
 12 is amended by inserting immediately before “shall be lia-
 13 ble” the following: “or that violates any provision of a
 14 waiver applicable to that person that has been granted
 15 under section 7 of this Act,”.

16 **SEC. 4. TECHNICAL AMENDMENT TO FEDERAL RAILROAD**
 17 **SAFETY ACT OF 1970.**

18 The first sentence of section 209(f) of the Federal
 19 Railroad Safety Act of 1970 (45 U.S.C. 438(f)) is amend-
 20 ed by inserting “any of the Federal railroad safety laws,
 21 as defined in section 212(e) of this title (except for the
 22 Hazardous Materials Transportation Act), or” imme-
 23 diately after “individual’s violation of”.

1 **SEC. 5. BIENNIAL REPORTING ON IMPLEMENTATION OF**
 2 **FEDERAL RAILROAD SAFETY ACT OF 1970.**

3 (a) ~~IN GENERAL.~~—Section 211(a) of the Federal
 4 Railroad Safety Act of 1970 (45 U.S.C. 440(a)) is amend-
 5 ed—

6 (1) in the first sentence, by striking “on or be-
 7 fore July 1 of each year a comprehensive report on
 8 the administration of this title for the preceding cal-
 9 endar year” and inserting in lieu thereof “every 2
 10 years, on or before July 1 of the year due, a com-
 11 prehensive report on the administration of this title
 12 for the preceding 2 calendar years”;

13 (2) in paragraph (1), by striking “occurring in
 14 such year” and inserting in lieu thereof “occurring
 15 during each of the 2 preceding calendar years, by
 16 calendar year”;

17 (3) in paragraphs (2), (3), and (6), respectively,
 18 by striking “year” and inserting in lieu thereof
 19 “years”; and

20 (4) in paragraphs (9) and (10), by striking
 21 “during the preceding calendar year” each place it
 22 appears and inserting in lieu thereof “during the
 23 preceding 2 calendar years”.

24 (b) ~~CONFORMING AMENDMENT.~~—The section head-
 25 ing for section 211 of the Federal Railroad Safety Act
 26 of 1970 (45 U.S.C. 440) is amended by striking “AN-

1 ~~ANNUAL REPORT~~” and inserting in lieu thereof ~~“BIENNIAL~~
 2 ~~REPORT”~~.

3 **SECTION. 1. SHORT TITLES.**

4 (a) *TITLE I.*—Title I of this Act may be cited as the
 5 “Federal Railroad Safety Authorization Act of 1994”.

6 (b) *TITLE II.*—Title II of this Act may be cited as
 7 the “High Risk Drivers Act of 1994”.

8 **TITLE I—FEDERAL RAILROAD**
 9 **SAFETY**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 20117(a)(1) of title 49, United States Code,
 12 is amended by inserting after subparagraph (B) the follow-
 13 ing:

14 “(C) \$68,289,000 for the fiscal year ending
 15 September 30, 1995.

16 “(D) \$75,112,000 for the fiscal year ending
 17 September 30, 1996.

18 “(E) \$82,563,000 for the fiscal year ending
 19 September 30, 1997.

20 “(F) \$90,739,000 for the fiscal year ending
 21 September 30, 1998.”.

22 **SEC. 102. HOURS OF SERVICE PILOT PROJECT.**

23 (a) *IN GENERAL.*—Chapter 211 of title 49, United
 24 States Code, is amended by adding at the end the following
 25 new section:

1 **“§ 12108. Hours of service pilot project**

2 “(a) *PILOT PROJECTS AUTHORIZED.*—A railroad or
3 *railroads, and all labor organizations representing any di-*
4 *rectly affected covered service employees of the railroad or*
5 *railroads, may jointly petition the Secretary of Transpor-*
6 *tation for approval of one or more pilot projects to dem-*
7 *onstrate the possible benefits and costs of implementing al-*
8 *ternatives to the requirements of this Act, including, but*
9 *not limited to, those concerning maximum on-duty and*
10 *minimum off-duty periods. Based on such a joint petition,*
11 *the Secretary, after notice and opportunity for comment,*
12 *may waive, in whole or in part, compliance with this Act*
13 *for a period of no more than 2 years, if the Secretary deter-*
14 *mines that such waiver of compliance is in the public inter-*
15 *est and is consistent with railroad safety. Any such waiver*
16 *may, based on a new petition, be extended for additional*
17 *periods of up to 2 years, after notice and opportunity for*
18 *comment. An explanation of any waiver granted under this*
19 *section shall be published in the Federal Register.*

20 “(b) *REPORT.*—The Secretary shall submit to Congress
21 *no later than June 1, 1996, an interim report that discusses*
22 *the status of the pilot project program and a final report*
23 *by January 1, 1998, that explains and analyzes the impact*
24 *on safety, railroad operating conditions, railroad oper-*
25 *ations, and potential benefits of any pilot projects approved*
26 *under this section.”.*

1 (b) *CIVIL PENALTY.*—The first sentence of section
 2 21303(a) of title 49, United States Code, is amended by
 3 inserting a comma and “or a provision of a waiver granted
 4 under section 12108 of this title,” after “of this title” the
 5 second place it appears.

6 (c) *CLERICAL AMENDMENT.*—The table of sections for
 7 chapter 211 of title 49, United States Code, is amended by
 8 adding at the end thereof the following:

“12108. Hours of service pilot project.”.

9 **SEC. 103. TECHNICAL AMENDMENT TO FEDERAL RAILROAD**
 10 **SAFETY ACT OF 1970.**

11 Section 20111(c) of title 49, United States Code, is
 12 amended by inserting “this chapter or any of the laws
 13 transferred to the jurisdiction of the Secretary of Transpor-
 14 tation by subsection (e)(1), (2), or (6)(A) of section 6 of
 15 the Department of Transportation Act, as such Act is in
 16 effect on June 1, 1994, or” after “individual’s violation of”.

17 **SEC. 104. BIENNIAL REPORTING ON IMPLEMENTATION OF**
 18 **FEDERAL RAILROAD SAFETY ACT OF 1970.**

19 (a) *IN GENERAL.*—Section 20116 of title 49, United
 20 States Code, is amended by striking “not later than July
 21 1 of each year a report on carrying out this chapter for
 22 the prior calendar year” in the first sentence and inserting
 23 “every 2 years, on or before July 1, a report on carrying
 24 out this chapter for the preceding 2 calendar years”.

1 (b) *CONFORMING AMENDMENT.*—*The section heading*
 2 *for that section is amended by striking “Annual report”*
 3 *and inserting in lieu thereof “Biennial report”.*

4 ***SEC. 105. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.***

5 (a) *AMENDMENT OF REGULATIONS.*—*The Secretary of*
 6 *Transportation shall conduct a rulemaking proceeding to*
 7 *amend the regulations under section 500.407 of title 23,*
 8 *Code of Federal Regulations, to require that each highway*
 9 *safety management system developed, established, and im-*
 10 *plemented by a State shall, among countermeasures and*
 11 *priorities established under subsection (b)(2) of that sec-*
 12 *tion—*

13 (1) *include public railroad-highway grade-cross-*
 14 *ing closure plans that are aimed at eliminating high-*
 15 *risk or redundant crossings (as defined by the Sec-*
 16 *retary);*

17 (2) *include railroad-highway grade-crossing poli-*
 18 *cies that limit the creation of new at-grade crossings*
 19 *for vehicle or pedestrian traffic, recreational use, or*
 20 *any other purpose; and*

21 (3) *include plans for State policies, programs,*
 22 *and resources to further reduce death and injury at*
 23 *high-risk railroad-highway grade crossings.*

24 (b) *DEADLINE.*—*The Secretary of Transportation shall*
 25 *complete the rulemaking proceeding described in subsection*

1 *(a) and prescribe the required amended regulations, not*
 2 *later than one year after the date of enactment of this Act.*

3 ***SEC. 106. EMERGENCY NOTIFICATION OF GRADE-CROSSING***
 4 ***PROBLEMS.***

5 *Section 20134 of title 49, United States Code, is*
 6 *amended by adding at the end thereof the following new*
 7 *subsection:*

8 *“(d) PILOT PROGRAMS.—*

9 *“(1) The Secretary of Transportation shall con-*
 10 *duct a pilot program to demonstrate an emergency*
 11 *notification system utilizing a toll free telephone*
 12 *number that the public can use to convey to railroads,*
 13 *either directly or through public safety personnel, in-*
 14 *formation about malfunctions or other safety prob-*
 15 *lems at railroad-highway grade crossings. The pilot*
 16 *program, at a minimum—*

17 *“(A) shall include railroad-highway grade*
 18 *crossings in at least 2 States,*

19 *“(B) shall include provisions for public edu-*
 20 *cation and awareness of the program, and*

21 *“(C) shall require information to be posted*
 22 *at the railroad-highway grade crossing describ-*
 23 *ing the emergency notification system and in-*
 24 *structions on how to use the system.*

1 *The Secretary may, by grant, provide funding for the*
2 *expense of information signs and public awareness*
3 *campaigns necessary to demonstrate the notification*
4 *system.*

5 *“(2) The Secretary shall complete the pilot pro-*
6 *gram not later than 24 months after the date of en-*
7 *actment of the Federal Railroad Safety Authorization*
8 *Act of 1994, and shall submit to the Congress not*
9 *later than 30 months after that date an evaluation of*
10 *the pilot program, together with findings as to the ef-*
11 *fectiveness of such emergency notification systems.*
12 *The report shall compare and contrast the structure,*
13 *cost, and effectiveness of the pilot program with other*
14 *emergency notification systems in effect within other*
15 *States. Such evaluation shall include analyses of the*
16 *safety benefits derived from the programs, cost effec-*
17 *tiveness, and the burdens on participants, including*
18 *the railroads and law enforcement personnel.*

19 *“(3) Unless the Secretary determines that—*

20 *“(A) the national notification system would*
21 *not be a cost-effective means of providing timely*
22 *and accurate notification of railroad-highway*
23 *grade crossing safety emergencies; or*

24 *“(B) State-level notification systems evalu-*
25 *ated by the Secretary offer a clearly superior*

1 *means of providing such notification, and the*
2 *Secretary includes in the report to the Congress*
3 *under paragraph (2) a strategy and schedule for*
4 *extending such systems to other States;*

5 *then the Secretary shall establish, and shall issue im-*
6 *plementing regulations for, a national notification*
7 *system, within 24 months after the date on which the*
8 *report is issued. The regulations shall include provi-*
9 *sions requiring railroads to erect and maintain ap-*
10 *propriate signs and to provide necessary railroad-*
11 *highway grade crossing information to the United*
12 *States DOT/AAR Rail-Highway Grade Crossing In-*
13 *ventory.*

14 *“(4) In addition to sums authorized under sec-*
15 *tion 20117(a)(1) of this title, there are authorized to*
16 *be appropriated to carry out this section not to exceed*
17 *\$700,000 for fiscal year 1995, \$250,000 for fiscal year*
18 *1996, \$800,000 for fiscal year 1997, and \$400,000 for*
19 *fiscal year 1998.”.*

20 **SEC. 107. OPERATION LIFESAVER.**

21 *(a) AUTHORIZATION OF APPROPRIATIONS.—In addi-*
22 *tion to amounts otherwise authorized by law, there are au-*
23 *thorized to be appropriated for railroad research and devel-*
24 *opment \$300,000 for fiscal year 1995, \$500,000 for fiscal*

1 year 1996, and \$750,000 for fiscal year 1997, to support
2 Operation Lifesaver, Inc.

3 (b) *PROGRAM REQUIREMENTS.*—The Secretary of
4 Transportation shall not provide financial assistance from
5 any amount appropriated for railroad research and devel-
6 opment to Operation Lifesaver, Inc., in excess of \$150,000
7 for any fiscal year unless—

8 (1) such excess funding is for the development
9 and implementation of a national, multi-year, multi-
10 media public information and law enforcement pro-
11 gram for the reduction of fatalities and serious inju-
12 ries involving railroad-highway grade crossings and
13 trespassing on railroad rights-of-way and property;
14 and

15 (2) at least 30 percent of the costs of developing
16 and implementing such program is provided from
17 non-Federal sources, including States and railroads.

18 (c) *SECRETARY OR DELEGATES TO SERVE EX OFFICIO*
19 *ON BOARDS OF RECIPIENT ORGANIZATIONS.*—In order to
20 ensure maximum coordination and effectiveness in carrying
21 out the Operation Lifesaver program, the Secretary of
22 Transportation or, by delegation, the Administrator of the
23 Federal Railroad Administration and the Administrator of
24 the Federal Highway Administration, is authorized to
25 serve, *ex officio*, as a member of the board of directors (or

1 *similar governing body) of any organization receiving*
 2 *funds made available by the Secretary for carrying out a*
 3 *program of public information and education to reduce or*
 4 *prevent motor vehicle accidents, injuries, and fatalities, or*
 5 *to improve driver performance, at railroad-highway grade*
 6 *crossings, and to prevent trespassing on railroad rights-of-*
 7 *way and resulting injuries and fatalities.*

8 **SEC. 108. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

9 (a) *IN GENERAL.*—*In implementing the Intelligent Ve-*
 10 *hicle-Highway Systems Act of 1991 (23 U.S.C. 307 note),*
 11 *the Secretary of Transportation shall ensure that the Na-*
 12 *tional Intelligent Vehicle-Highway Systems Program ad-*
 13 *resses, in a comprehensive and coordinated manner, the*
 14 *use of intelligent vehicle-highway technologies to promote*
 15 *safety at railroad-highway grade crossings. The Secretary*
 16 *of Transportation shall ensure that two or more operational*
 17 *tests funded under such Act shall promote highway traffic*
 18 *safety and railroad safety.*

19 **SEC. 109. VIOLATION OF GRADE-CROSSING LAWS AND REG-**
 20 **ULATIONS.**

21 (a) *FEDERAL REGULATIONS.*—*Section 31311 of title*
 22 *49, United States Code, is amended by adding at the end*
 23 *the following new subsection:*

24 “(h) *GRADE-CROSSING VIOLATIONS.*—

1 “(1) *SANCTIONS.*—*The Secretary shall issue reg-*
2 *ulations establishing sanctions and penalties relating*
3 *to violations, by persons operating commercial motor*
4 *vehicles, of laws and regulations pertaining to rail-*
5 *road-highway grade crossings.*

6 “(2) *MINIMUM REQUIREMENTS.*—*Regulations is-*
7 *ssued under paragraph (1) shall, at a minimum, re-*
8 *quire that—*

9 “(A) *the penalty for a single violation shall*
10 *not be less than a 60-day disqualification of the*
11 *driver’s commercial driver’s license; and*

12 “(B) *any employer that knowingly allows,*
13 *permits, authorizes, or requires an employee to*
14 *operate a commercial motor vehicle in violation*
15 *of such a law or regulation shall be subject to a*
16 *civil penalty of not more than \$10,000.”.*

17 (b) *DEADLINE.*—*The initial regulations required*
18 *under section 31310(h) of title 49, United States Code, shall*
19 *be issued not later than one year after the date of enactment*
20 *of this Act.*

21 (c) *STATE REGULATIONS.*—*Section 31311(a) of title*
22 *49, United States Code, is amended by adding at the end*
23 *the following new paragraph:*

1 “(18) *GRADE-CROSSING REGULATIONS.*—The
 2 *State shall adopt and enforce regulations prescribed*
 3 *by the Secretary under section 31310(h) of this title.*”.

4 **SEC. 110. SAFETY ENFORCEMENT.**

5 (a) *COOPERATION BETWEEN FEDERAL AND STATE*
 6 *AGENCIES.*—The National Highway Traffic Safety Admin-
 7 *istration, and the Office of Motor Carriers within the Fed-*
 8 *eral Highway Administration, shall on a continuing basis*
 9 *cooperate and work with the National Association of Gov-*
 10 *ernors’ Highway Safety Representatives, the Commercial*
 11 *Vehicle Safety Alliance, and Operation Lifesaver, Inc., to*
 12 *improve compliance with and enforcement of laws and reg-*
 13 *ulations pertaining to railroad-highway grade crossings.*

14 (b) *REPORT.*—The Secretary of Transportation shall
 15 *submit a report to Congress by January 1, 1996, indicating*
 16 *(1) how the Department worked with the above mentioned*
 17 *entities to improve the awareness of the highway and com-*
 18 *mercial vehicle safety and law enforcement communities of*
 19 *regulations and safety challenges at railroad-highway grade*
 20 *crossings, and (2) how resources are being allocated to better*
 21 *address these challenges and enforce such regulations.*

22 **SEC. 111. INSTITUTE FOR RAILROAD AND GRADE-CROSSING**
 23 **SAFETY.**

24 *The Secretary of Transportation, in conjunction with*
 25 *a university or college having expertise in highway, traffic,*

1 *and railroad safety, shall establish, within one year of en-*
 2 *actment of this Act, an Institute for Railroad and Grade-*
 3 *Crossing Safety. The Institute shall research, develop, fund,*
 4 *or test measures for reducing the number of fatalities and*
 5 *injuries in railroad operations, focusing on improvements*
 6 *in railroad-highway grade-crossing safety, railroad tres-*
 7 *passing, prevention, and enforcement. There is hereby au-*
 8 *thorized to be appropriated to the Secretary \$1,000,000 for*
 9 *each of the fiscal years 1996 through 2000 to fund activities*
 10 *under the preceding sentence carried out by the Institute,*
 11 *which shall report at least once each year on its use of such*
 12 *funds in carrying out such activities and the results thereof*
 13 *to the Secretary of Transportation and the Congress.*

14 **SEC. 112. RAILROAD GRADE-CROSSING TRESPASSING AND**
 15 **VANDALISM PREVENTION STRATEGY.**

16 (a) *EVALUATION OF EXISTING LAWS.*—*In consultation*
 17 *with affected parties, the Secretary of Transportation shall*
 18 *evaluate and review current local, State, and Federal laws*
 19 *regarding trespassing on railroad property and vandalism*
 20 *affecting railroad safety, and develop model prevention*
 21 *strategies and enforcement laws to be used for the consider-*
 22 *ation of State and local legislatures and governmental enti-*
 23 *ties. The first such evaluation and review shall be completed*
 24 *within 1 year after the date of enactment of this Act. The*

1 *Secretary shall revise such model prevention strategies and*
2 *enforcement codes periodically.*

3 (b) *OUTREACH PROGRAM.*—*The Secretary shall de-*
4 *velop and maintain a comprehensive outreach program to*
5 *improve communications among Federal railroad safety in-*
6 *spectors, State inspectors certified by the Federal Railroad*
7 *Administration, railroad police, and State and local law*
8 *enforcement officers, for the purpose of addressing trespass-*
9 *ing and vandalism problems on the railroads and railroad*
10 *property, and strengthening relevant enforcement strategies.*
11 *This program shall be designed to increase public and police*
12 *awareness of the illegality of, dangers inherent in, and the*
13 *extent of, trespassing on railroad rights-of-way, to develop*
14 *strategies to improve the prevention of trespassing and van-*
15 *dalism, and to improve the enforcement of laws relating to*
16 *railroad trespass, vandalism, and grade crossings safety.*

17 (c) *MODEL LEGISLATION.*—*Within 18 months after the*
18 *date of enactment of this Act, the Secretary, after consulta-*
19 *tion with State and local governments, shall develop and*
20 *make available to State and local governments model State*
21 *legislation providing for—*

22 (1) *civil or criminal penalties, or both, for van-*
23 *dalism of railroad equipment or property which could*
24 *affect the safety of the public or of railroad employees;*
25 *and*

1 (2) *civil or criminal penalties, or both, for tres-*
 2 *passing on a railroad owned or leased right-of-way.*

3 **SEC. 113. WARNING OF CIVIL LIABILITY.**

4 *The Secretary of Transportation shall encourage rail-*
 5 *roads to warn the public about potential liability for viola-*
 6 *tion of regulations related to vandalism of railroad-high-*
 7 *way grade crossing signs, devices, and equipment and to*
 8 *trespass on railroad property.*

9 **SEC. 114. LOCOMOTIVE WHISTLE BAN PROHIBITION.**

10 (a) *PROHIBITION.*—*No State or political subdivision*
 11 *thereof shall enact or enforce a locomotive whistle ban with*
 12 *respect to any railroad-highway grade crossing or series of*
 13 *railroad-highway grade crossings after December 31, 1995,*
 14 *unless, consistent with regulations issued under subsection*
 15 *(c), one of the following actions has been taken with respect*
 16 *to a crossing or series of crossings (as determined by the*
 17 *Secretary)—*

18 (1) *the affected crossing is closed during the*
 19 *hours covered by the ban;*

20 (2) *crossing gates and median barriers have been*
 21 *installed and are operational;*

22 (3) *4-quadrant gates have been installed and are*
 23 *operating; or*

24 (4) *other effective safety measures, described in*
 25 *regulations issued by the Secretary (including regula-*

1 *tions involving the demonstration and evaluation of*
 2 *new safety measures), are in place at an affected*
 3 *crossing or series of crossings.*

4 *(b) TESTING.—The Secretary of Transportation is au-*
 5 *thorized to approve the testing of railroad-highway grade*
 6 *crossing safety measures, including demonstration and*
 7 *evaluation of such measures at railroad-highway grade*
 8 *crossings.*

9 *(c) REGULATIONS.—By January 1, 1996, the Sec-*
 10 *retary of Transportation shall issue regulations implement-*
 11 *ing this section. These regulations shall include—*

12 *(1) standards for safety measures identified in*
 13 *paragraphs (1), (2), and (3) of subsection (a);*

14 *(2) identification of any additional safety meas-*
 15 *ures that provide an equivalent level of safety to that*
 16 *provided by the safety measures identified in para-*
 17 *graphs (2) and (3) of subsection (a); and*

18 *(3) procedures for securing approval to dem-*
 19 *onstrate new railroad-highway grade crossing safety*
 20 *measures at railroad-highway grade crossings.*

21 **SEC. 115. RAILROAD CAR VISIBILITY.**

22 *(a) REVIEW OF RULES.—The Secretary of Transpor-*
 23 *tation shall conduct a review of the Department of Trans-*
 24 *portation's rules with respect to railroad car visibility. As*
 25 *part of this review, the Secretary shall collect relevant data*

1 *from operational experience by railroads having enhanced*
 2 *visibility measures in service. The Secretary shall also con-*
 3 *duct such research as may be required to establish whether*
 4 *enhanced visibility of railroad cars would improve driver*
 5 *behavior and thereby reduce railroad-highway grade cross-*
 6 *ing accidents.*

7 (b) *REGULATIONS.—If the review and research con-*
 8 *ducted under subsection (a) establishes that enhanced rail-*
 9 *road car visibility would likely enhance safety in a cost-*
 10 *effective manner, the Secretary shall initiate a rulemaking*
 11 *proceeding to issue regulations requiring substantially en-*
 12 *hanced visibility standards for newly manufactured and re-*
 13 *manufactured railroad cars. In such proceeding the Sec-*
 14 *retary shall consider, at a minimum—*

15 (1) *visibility from the perspective of an auto-*
 16 *mobile driver;*

17 (2) *whether certain railroad car paint colors*
 18 *should be prohibited or required;*

19 (3) *the use of reflective materials;*

20 (4) *the visibility of lettering on railroad cars;*

21 (5) *the effect of any enhanced visibility measures*
 22 *on the health and safety of train crew members; and*

23 (6) *the cost/benefit ratio of any new regulations.*

24 (c) *EXCLUSIONS.—In issuing regulations under sub-*
 25 *section (b), the Secretary may exclude from any specific vis-*

1 *ibility requirement any category of trains or railroad oper-*
 2 *ations if the Secretary determines that such an exclusion*
 3 *is in the public interest and is consistent with railroad safe-*
 4 *ty including railroad-highway crossing safety.*

5 **SEC. 116. CROSSING ELIMINATION; STATEWIDE CROSSING**
 6 **FREEZE.**

7 *(a) STATEMENT OF POLICY.—*

8 *(1) Railroad-highway grade crossings present in-*
 9 *herent hazards to the safety of railroad operations*
 10 *and to the safety of persons using those crossings. It*
 11 *is in the public interest—*

12 *(A) to eliminate redundant and high risk*
 13 *railroad-highway grade crossings; and*

14 *(B) to limit the creation of new crossings to*
 15 *the minimum necessary to provide for the rea-*
 16 *sonable mobility of the American people and*
 17 *their property, including emergency access.*

18 *(2) Elimination of redundant and high-risk rail-*
 19 *road-highway grade crossings is necessary to permit*
 20 *optimum use of available funds to improve the safety*
 21 *of remaining crossings, including funds provided*
 22 *under Federal law.*

23 *(3) Effective programs to reduce the number of*
 24 *unnneeded railroad-highway grade crossings, and to*
 25 *close those crossings that cannot be made reasonably*

1 *safe (due to reasons of topography, angles of intersec-*
2 *tion, etc.), require the partnership of Federal, State,*
3 *and local officials and agencies, and affected rail-*
4 *roads.*

5 *(4) Promotion of a balanced national transpor-*
6 *tation system requires that highway planning specifi-*
7 *cally take into consideration the interface between*
8 *highways and the national railroad system.*

9 *(b) PARTNERSHIP AND OVERSIGHT.—The Secretary*
10 *shall foster a partnership among Federal, State, and local*
11 *transportation officials and agencies to reduce the number*
12 *of railroad-highway grade crossings and to improve safety*
13 *at remaining crossings. The Secretary shall make provision*
14 *for periodic review to ensure that each State (including*
15 *State subdivisions and local governments) is making sub-*
16 *stantial, continued progress toward achievement of the pur-*
17 *poses of this section.*

18 *(c) CROSSING FREEZE.—If, upon review, and after op-*
19 *portunity for a hearing, the Secretary determines that a*
20 *State or political subdivision thereof has failed to make sub-*
21 *stantial, continued progress toward achievement of the pur-*
22 *poses of this section, then the Secretary shall impose a limit*
23 *on the maximum number of public railroad-highway grade*
24 *crossings in that State. The limitation imposed by the Sec-*
25 *retary under this subsection shall remain in effect until the*

1 *State demonstrates compliance with the requirements of this*
 2 *section. In addition, the Secretary may, for a period of not*
 3 *more than 3 years after such a determination, require com-*
 4 *pliance with specific numeric targets for net reductions in*
 5 *the number of railroad-highway grade crossings (including*
 6 *specification of hazard categories with which such crossings*
 7 *are associated).*

8 (d) *REGULATIONS.—The Secretary shall issue such*
 9 *regulations as may be necessary to carry out this section.*

10 **SEC. 117. RESEARCH PRIORITIES.**

11 (a) *5-YEAR PLAN.—*

12 (1) *The Secretary of Transportation shall submit*
 13 *to Congress a 5-year strategic plan that will dem-*
 14 *onstrate improved programs to enhance railroad safe-*
 15 *ty (including human factors and railroad-highway*
 16 *grade-crossing safety), the prevention of trespassing*
 17 *on railroad property, and the prevention of vandal-*
 18 *ism to railroad-highway grade crossing safety devices*
 19 *and signs. With respect to human factors, the strate-*
 20 *gic plan shall establish a comprehensive program to*
 21 *investigate workload, stress, and fatigue, operator*
 22 *training, ergonomics, operating rules, and other areas*
 23 *judged appropriate by the Secretary.*

1 (2) *The plan shall be incorporated into the re-*
2 *search, technology development, and testing priorities*
3 *of the Federal Railroad Administration.*

4 (3) *The plan shall be submitted to Congress no*
5 *later than January 1, 1996.*

6 (4) *There are authorized to be appropriated for*
7 *conducting such programs \$3,500,000 for each of the*
8 *fiscal years 1996 through 1999.*

9 (b) *PARTICIPATION OF OTHER AGENCIES.—In carry-*
10 *ing out the activities authorized by this Act, the Secretary*
11 *shall cooperate with other Federal agencies and seek to*
12 *maximize the use of Federal monies to apply defense-related*
13 *technologies to railroad-highway grade crossing safety, tres-*
14 *passing prevention, and other railroad-safety initiatives.*

15 **SEC. 118. COORDINATION WITH THE DEPARTMENT OF**
16 **LABOR.**

17 *The Secretary of Transportation shall consult with the*
18 *Secretary of Labor on a regular basis to assure that all*
19 *applicable laws affecting safe working conditions for rail-*
20 *road employees are appropriately enforced to assure a safe*
21 *and productive working environment for the railroad in-*
22 *dustry.*

1 **SEC. 119. POSITIVE TRAIN CONTROL SYSTEM PROGRESS**
2 **REPORT.**

3 *The Secretary of Transportation shall make annual*
4 *progress reports to the Committees of the Senate and of the*
5 *House of Representatives with jurisdiction over railroads*
6 *on the development, deployment, and demonstration of*
7 *Positive Train Control Systems.*

8 **SEC. 120. PASSENGER CAR SAFETY STANDARDS.**

9 *Section 20133 of title 49, United States Code, is*
10 *amended by adding at the end the following new subsection:*

11 *“(d) MINIMUM STANDARDS.—*

12 *“(1) The Secretary shall issue regulations estab-*
13 *lishing minimum standards for the safety of cars used*
14 *by railroads to transport passengers. The regulations*
15 *shall address, at a minimum, crashworthiness of the*
16 *cars, interior features (including luggage restraints,*
17 *seat belts, and exposed surfaces) that may affect pas-*
18 *senger safety; maintenance and inspection of the cars;*
19 *emergency response procedures and equipment; and*
20 *any operating rules and conditions that directly af-*
21 *fect safety not otherwise governed by regulations or*
22 *orders. The Secretary may make applicable some or*
23 *all of these standards to cars existing at the time of*
24 *the issuance of the regulations as well as to new cars,*
25 *and the Secretary shall explain in the rulemaking*

1 *document the basis for making such standards appli-*
2 *cable to existing cars.*

3 “(2) *The Secretary shall issue initial standards*
4 *for railroad passenger safety, including standards ad-*
5 *dresssing core safety concerns for which research has*
6 *been completed, within 3 years after the date of enact-*
7 *ment of the Federal Railroad Safety Authorization*
8 *Act of 1994. The initial standards may except equip-*
9 *ment used by historical, scenic, and excursion rail-*
10 *roads to transport passengers. The Secretary shall*
11 *complete the issuance of passenger safety standards*
12 *required by this section within 5 years after such*
13 *date.*

14 “(3) *The Secretary is authorized to establish*
15 *within the Department of Transportation 2 addi-*
16 *tional full time equivalent positions beyond the num-*
17 *ber currently authorized by existing law to assist with*
18 *the drafting, issuance, and implementation of the reg-*
19 *ulations described in paragraph (1).”.*

20 **SEC. 121. GRANT AUTHORITY.**

21 *Section 103 of title 49, United States Code, is amended*
22 *by redesignating subsection (d) as (e), and by inserting*
23 *after subsection (c) the following new subsection:*

24 “(d) *Subject to the provisions of the Federal Property*
25 *and Administrative Services Act of 1949 (40 U.S.C. 471*

1 *et seq.*), the Secretary may make, enter into, and perform
2 such contracts, grants, leases, cooperative agreements, and
3 other similar transactions with Federal or other public
4 agencies (including State and local governments) and pri-
5 vate organizations and persons, and to make such pay-
6 ments, by way of advance or reimbursement, as the Sec-
7 retary may determine to be necessary or appropriate to
8 carry out functions of the Federal Railroad Administration.
9 The authority of the Secretary granted by this subsection
10 shall be carried out by the Administrator. Notwithstanding
11 any other provision of this chapter, no authority to enter
12 into contracts or to make payments under this subsection
13 shall be effective, except as provided for in appropriation
14 Acts.”.

15 **SEC. 122. TOURIST RAILROADS.**

16 *Section 20103 of title 49, United States Code, is*
17 *amended by adding at the end thereof the following new*
18 *subsection:*

19 *“(f) In prescribing regulations that pertain to safety*
20 *that affect tourist, historic, or excursion railroad carriers,*
21 *the Secretary shall take into consideration any financial,*
22 *operational, or other factors that may be unique to such*
23 *railroad carriers. The Secretary shall submit a report to*
24 *Congress not later than September 30, 1995, on efforts made*
25 *to revise and update regulations that pertain to safety that*

1 *affect tourist, historical, or excursion railroad carriers. The*
2 *report shall address the financial, operational, and other*
3 *factors that may be unique to these railroads.”.*

4 ***TITLE II—HIGH RISK DRIVERS***
5 ***PROGRAM***

6 ***SEC. 201. SHORT TITLE.***

7 *This Act may be cited as the “High Risk Drivers Act*
8 *of 1994”.*

9 ***SUBTITLE A—HIGH-RISK AND***
10 ***ALCOHOL-IMPAIRED DRIVERS***

11 ***SEC. 211. FINDINGS.***

12 *The Congress makes the following findings:*

13 (1) *The Nation’s traffic fatality rate has declined*
14 *from 5.5 deaths per 100 million vehicle miles traveled*
15 *in 1966 to an historic low of an estimated 1.8 deaths*
16 *per 100 million vehicle miles traveled during 1992. In*
17 *order to further this desired trend, the safety pro-*
18 *grams and policies implemented by the Department of*
19 *Transportation must be continued, and at the same*
20 *time, the focus of these efforts as they pertain to high*
21 *risk drivers of all ages must be strengthened.*

22 (2) *Motor vehicle crashes are the leading cause of*
23 *death among teenagers, and teenage drivers tend to be*
24 *at fault for their fatal crashes more often than older*
25 *drivers. Drivers who are 16 to 20 years old comprised*

1 7.4 percent of the United States population in 1991
2 but were involved in 15.4 percent of fatal motor vehi-
3 cle crashes. Also, on the basis of crashes per 100,000
4 licensed drivers, young drivers are the highest risk
5 group of drivers.

6 (3) During 1991, 6,630 teenagers from age 15
7 through 20 died in motor vehicle crashes. This tragic
8 loss demands that the Federal Government intensify
9 its efforts to promote highway safety among members
10 of this high risk group.

11 (4) The consumption of alcohol, speeding over al-
12 lowable limits or too fast for road conditions, inad-
13 equate use of occupant restraints, and other high risk
14 behaviors are several of the key causes for this tragic
15 loss of young drivers and passengers. The Department
16 of Transportation, working cooperatively with the
17 States, student groups, and other organizations, must
18 reinvigorate its current programs and policies to ad-
19 dress more effectively these pressing problems of teen-
20 age drivers.

21 (5) In 1991 individuals aged 70 years and older,
22 who are particularly susceptible to injury, were in-
23 volved in 12 percent of all motor vehicle traffic crash
24 fatalities. These deaths accounted for 4,828 fatalities
25 out of 41,462 total traffic fatalities.

1 (6) *The number of older Americans who drive is*
2 *expected to increase dramatically during the next 30*
3 *years. Unfortunately, during the last 15 years, the*
4 *Department of Transportation has supported an ex-*
5 *remely limited program concerning older drivers. Re-*
6 *search on older driver behavior and licensing has suf-*
7 *fered from intermittent funding at amounts that were*
8 *insufficient to address the scope and nature of the*
9 *challenges ahead.*

10 (7) *A major objective of United States transpor-*
11 *tation policy must be to promote the mobility of older*
12 *Americans while at the same time ensuring public*
13 *safety on our Nation's highways. In order to accom-*
14 *plish these two objectives simultaneously, the Depart-*
15 *ment of Transportation must support a vigorous and*
16 *sustained program of research, technical assistance,*
17 *evaluation, and other appropriate activities that are*
18 *designed to reduce the fatality and crash rate of older*
19 *drivers who have identifiable risk characteristics.*

20 **SEC. 212. DEFINITIONS.**

21 *For purposes of this subtitle—*

22 (1) *The term “high risk driver” means a motor*
23 *vehicle driver who belongs to a class of drivers that,*
24 *based on vehicle crash rates, fatality rates, traffic*
25 *safety violation rates, and other factors specified by*

1 *the Secretary, presents a risk of injury to the driver*
 2 *and other individuals that is higher than the risk pre-*
 3 *sented by the average driver.*

4 *(2) The term “Secretary” means the Secretary of*
 5 *Transportation.*

6 **SEC. 213. POLICY AND PROGRAM DIRECTION.**

7 *(a) GENERAL RESPONSIBILITY OF SECRETARY.—The*
 8 *Secretary shall develop and implement effective and com-*
 9 *prehensive policies and programs to promote safe driving*
 10 *behavior by young drivers, older drivers, and repeat viola-*
 11 *tors of traffic safety regulations and laws.*

12 *(b) SAFETY PROMOTION ACTIVITIES.—The Secretary*
 13 *shall promote or engage in activities that seek to ensure*
 14 *that—*

15 *(1) cost effective and scientifically-based guide-*
 16 *lines and technologies for the nondiscriminatory eval-*
 17 *uation and licensing of high risk drivers are ad-*
 18 *vanced;*

19 *(2) model driver training, screening, licensing,*
 20 *control, and evaluation programs are improved;*

21 *(3) uniform or compatible State driver point*
 22 *systems and other licensing and driver record infor-*
 23 *mation systems are advanced as a means of identify-*
 24 *ing and initially evaluating high risk drivers; and*

1 (4) driver training programs and the delivery of
2 such programs are advanced.

3 (c) *DRIVER TRAINING RESEARCH.*—The Secretary
4 shall explore the feasibility and advisability of using cost
5 efficient simulation and other technologies as a means of
6 enhancing driver training; shall advance knowledge regard-
7 ing the perceptual, cognitive, and decision making skills
8 needed for safe driving and to improve driver training; and
9 shall investigate the most effective means of integrating li-
10 censing, training, and other techniques for preparing novice
11 drivers for the safe use of highway systems.

12 ***SUBTITLE B—YOUNG DRIVER***
13 ***PROGRAMS***

14 ***SEC. 221. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.***

15 (a) *ESTABLISHMENT OF GRANT PROGRAM.*—Chapter
16 4 of title 23, United States Code, is amended by adding
17 at the end the following new section:

18 ***“§ 411. Programs for young drivers***

19 “(a) *GENERAL AUTHORITY.*—Subject to the provisions
20 of this section, the Secretary shall make basic and supple-
21 mental grants to those States which adopt and implement
22 programs for young drivers which include measures, de-
23 scribed in this section, to reduce traffic safety problems re-
24 sulting from the driving performance of young drivers.

1 *Such grants may only be used by recipient States to imple-*
2 *ment and enforce such measures.*

3 “(b) *MAINTENANCE OF EFFORT.*—No grant may be
4 *made to a State under this section in any fiscal year unless*
5 *such State enters into such agreements with the Secretary*
6 *as the Secretary may require to ensure that such State will*
7 *maintain its aggregate estimated expenditures from all*
8 *other sources for programs for young drivers at or above*
9 *the average level of such expenditures in its 2 fiscal years*
10 *preceding the fiscal year in which the High Risk Drivers*
11 *Act of 1994 is enacted.*

12 “(c) *FEDERAL SHARE.*—No State may receive grants
13 *under this section in more than 5 fiscal years. The Federal*
14 *share payable for any grant under this section shall not*
15 *exceed—*

16 “(1) *in the first fiscal year a State receives a*
17 *grant under this section, 75 percent of the cost of im-*
18 *plementing and enforcing in such fiscal year the*
19 *young driver program adopted by the State pursuant*
20 *to subsection (a);*

21 “(2) *in the second fiscal year the State receives*
22 *a grant under this section, 50 percent of the cost of*
23 *implementing and enforcing in such fiscal year such*
24 *program; and*

1 “(3) in the third, fourth, and fifth fiscal years
2 the State receives a grant under this section, 25 per-
3 cent of the cost of implementing and enforcing in such
4 fiscal year such program.

5 “(d) *MAXIMUM AMOUNT OF BASIC GRANTS.*—Subject
6 to subsection (c), the amount of a basic grant made under
7 this section for any fiscal year to any State which is eligible
8 for such a grant under subsection (e) shall equal 30 percent
9 of the amount apportioned to such State for fiscal year 1989
10 under section 402 of this title. A grant to a State under
11 this section shall be in addition to the State’s apportion-
12 ment under section 402, and basic grants during any fiscal
13 year may be proportionately reduced to accommodate an
14 applicable statutory obligation limitation for that fiscal
15 year.

16 “(e) *ELIGIBILITY FOR BASIC GRANTS.*—

17 “(1) *GENERAL.*—For purposes of this section, a
18 State is eligible for a basic grant if such State—

19 “(A) establishes and maintains a graduated
20 licensing program for drivers under 18 years of
21 age that meets the requirements of paragraph
22 (2); and

23 “(B)(i) in the first year of receiving grants
24 under this section, meets four of the nine criteria
25 specified in paragraph (3);

1 “(ii) in the second year of receiving such
2 grants, meets five of such criteria;

3 “(iii) in the third year of receiving such
4 grants, meets six of such criteria;

5 “(iv) in the fourth year of receiving such
6 grants, meets seven of such criteria; and

7 “(v) in fifth year of receiving such grants,
8 meets seven of such criteria.

9 “(2) GRADUATED LICENSING PROGRAM.—

10 “(A) A State receiving a grant under this
11 section shall establish and maintain a graduated
12 licensing program consisting of the following li-
13 censing stages for any driver under 18 years of
14 age:

15 “(i) An instructional license, valid for
16 a minimum period determined by the Sec-
17 retary, under which the licensee shall not
18 operate a motor vehicle unless accompanied
19 in the front passenger seat by the holder of
20 a full driver’s license.

21 “(ii) A provisional driver’s license
22 which shall not be issued unless the driver
23 has passed a written examination on traffic
24 safety and has passed a roadtest adminis-

1 *tered by the driver licensing agency of the*
2 *State.*

3 *“(iii) A full driver’s license which shall*
4 *not be issued until the driver has held a*
5 *provisional license for at least 1 year with*
6 *a clean driving record.*

7 *“(B) For purposes of subparagraph (A)(iii),*
8 *subsection (f)(1), and subsection (f)(6)(B), a pro-*
9 *visional licensee has a clean driving record if the*
10 *licensee—*

11 *“(i) has not been found, by civil or*
12 *criminal process, to have committed a mov-*
13 *ing traffic violation during the applicable*
14 *period;*

15 *“(ii) has not been assessed points*
16 *against the license because of safety viola-*
17 *tions during such period; and*

18 *“(iii) has satisfied such other require-*
19 *ments as the Secretary may prescribe by*
20 *regulation.*

21 *“(C) The Secretary shall determine the con-*
22 *ditions under which a State shall suspend provi-*
23 *sional driver’s licenses in order to be eligible for*
24 *a basic grant. At a minimum, the holder of a*
25 *provisional license shall be subject to driver con-*

1 *trol actions that are stricter than those applica-*
2 *ble to the holder of a full driver's license, includ-*
3 *ing warning letters and suspension at a lower*
4 *point threshold.*

5 *“(D) For a State's first 2 years of receiving*
6 *a grant under this section, the Secretary may*
7 *waive the clean driving record requirement of*
8 *subparagraph (A)(iii) if the State submits satis-*
9 *factory evidence of its efforts to establish such a*
10 *requirement.*

11 *“(3) CRITERIA FOR BASIC GRANT.—The nine cri-*
12 *teria referred to in paragraph (1)(B) are as follows:*

13 *“(A) The State requires that any driver*
14 *under 21 years of age with a blood alcohol con-*
15 *centration of 0.02 percent or greater when driv-*
16 *ing a motor vehicle shall be deemed to be driving*
17 *while intoxicated for the purpose of (i) adminis-*
18 *trative or judicial sanctions or (ii) a law or reg-*
19 *ulation that prohibits any individual under 21*
20 *years of age with a blood alcohol concentration*
21 *of 0.02 percent or greater from driving a motor*
22 *vehicle.*

23 *“(B) The State has a law or regulation that*
24 *provides a mandatory minimum penalty of at*
25 *least \$500 for anyone who in violation of State*

1 *law or regulation knowingly, or without checking*
2 *for proper identification, provides or sells alcohol*
3 *to any individual under 21 years of age.*

4 “(C) *The State requires that all front seat*
5 *and rear seat occupants of any motor vehicle*
6 *shall use safety belts.*

7 “(D) *The State requires that the license of*
8 *a driver under 21 years of age be suspended for*
9 *a period specified by the State if such driver is*
10 *convicted of the unlawful purchase or public pos-*
11 *session of alcohol. The period of suspension shall*
12 *be at least 6 months for a first conviction and*
13 *at least 12 months for a subsequent conviction;*
14 *except that specific license restrictions may be*
15 *imposed as an alternative to such minimum pe-*
16 *riods of suspension where necessary to avoid*
17 *undue hardship on any individual.*

18 “(E) *The State conducts youth-oriented*
19 *traffic safety enforcement activities, and edu-*
20 *cation and training programs—*

21 “(i) *with the participation of judges*
22 *and prosecutors, that are designed to ensure*
23 *enforcement of traffic safety laws and regu-*
24 *lations, including those that prohibit driv-*
25 *ers under 21 years of age from driving*

1 *while intoxicated, restrict the unauthorized*
2 *use of a motor vehicle, and establish other*
3 *moving violations; and*

4 “(ii) *with the participation of student*
5 *and youth groups, that are designed to en-*
6 *sure compliance with such traffic safety*
7 *laws and regulations.*

8 “(F) *The State is a member of and substan-*
9 *tially complies with the interstate agreement*
10 *known as the Driver License Compact, promptly*
11 *and reliably transmits and receives through elec-*
12 *tronic means interstate driver record informa-*
13 *tion (including information on commercial driv-*
14 *ers) in cooperation with the Secretary and other*
15 *States, and develops and achieves demonstrable*
16 *annual progress in implementing a plan to en-*
17 *sure that (i) each court of the State report expe-*
18 *ditiously to the State driver licensing agency all*
19 *traffic safety convictions, license suspensions, li-*
20 *cence revocations, or other license restrictions,*
21 *and driver improvement efforts sanctioned or or-*
22 *dered by the court, and that (ii) such records be*
23 *available electronically to appropriate govern-*
24 *ment officials (including enforcement, officers,*

1 judges, and prosecutors) upon request at all
2 times.

3 “(G) The State prohibits the possession of
4 any open alcoholic beverage container, or the
5 consumption of any alcoholic beverage, in the
6 passenger area of any motor vehicle located on a
7 public highway or the right-of-way of a public
8 highway; except as allowed in the passenger
9 area, by persons (other than the driver), of a
10 motor vehicle designed to transport more than 10
11 passengers (including the driver) while being
12 used to provide charter transportation of pas-
13 sengers.

14 “(H) The State has a law or regulation that
15 provides a minimum penalty of at least \$100 for
16 anyone who in violation of State law or regula-
17 tion drives any vehicle through, around, or
18 under any crossing, gate, or barrier at a rail-
19 road crossing while such gate or barrier is closed
20 or being opened or closed.

21 “(I) The State has a law or regulation
22 that—

23 “(i) mandates seizure by the State or
24 any political subdivision thereof of any ve-
25 hicle driven by an individual in violation

1 *of an alcohol-related traffic safety law, if*
2 *such violator has been convicted on more*
3 *than one occasion of an alcohol-related traf-*
4 *fic offense within any 5-year period begin-*
5 *ning after the date of enactment of this sec-*
6 *tion, or has been convicted of driving while*
7 *his or her driver's license is suspended or*
8 *revoked by reason of a conviction for such*
9 *an offense;*

10 “(ii) *mandates that the vehicle be for-*
11 *feited to the State or a political subdivision*
12 *thereof if the vehicle was solely owned by*
13 *such violator at the time of the violation;*

14 “(iii) *requires that the vehicle be re-*
15 *turned to the owner if the vehicle was a sto-*
16 *len vehicle at the time of the violation; and*

17 “(iv) *authorizes the vehicle to be re-*
18 *leased to a member of such violator's fam-*
19 *ily, the co-owner, or the owner, if the vehicle*
20 *was not a stolen vehicle and was not solely*
21 *owned by such violator at the time of the*
22 *violation, and if the family member, co-*
23 *owner, or owner, prior to such release, exe-*
24 *cutes a binding agreement that the family*
25 *member, co-owner, or owner will not permit*

1 *such violator to drive the vehicle and that*
2 *the vehicle shall be forfeited to the State or*
3 *a political subdivision thereof in the event*
4 *such violator drives the vehicle with the per-*
5 *mission of the family member, co-owner, or*
6 *owner.*

7 “(f) *SUPPLEMENTAL GRANT PROGRAM.*—

8 “(1) *EXTENDED APPLICATION OF PROVISIONAL*
9 *LICENSE REQUIREMENT.*—*For purposes of this sec-*
10 *tion, a State is eligible for a supplemental grant for*
11 *a fiscal year in an amount, subject to subsection (c),*
12 *not to exceed 10 percent of the amount apportioned*
13 *to such State for fiscal year 1989 under section 402*
14 *of this title if such State is eligible for a basic grant*
15 *and in addition such State requires that a driver*
16 *under 21 years of age shall not be issued a full driv-*
17 *er’s license until the driver has held a provisional li-*
18 *cense for at least 1 year with a clean driving record*
19 *as described in subsection (e)(2)(B).*

20 “(2) *PROVISION OF INSURANCE INFORMATION.*—

21 *For purposes of this section, a State is eligible for a*
22 *supplemental grant for a fiscal year in an amount,*
23 *subject to subsection (c), not to exceed 5 percent of the*
24 *amount apportioned to such State for fiscal year 1989*
25 *under section 402 of this title if such State is eligible*

1 *for a basic grant and in addition such State provides,*
 2 *to a parent or legal guardian of any provisional li-*
 3 *censee, general information prepared with the assist-*
 4 *ance of the insurance industry on the effect of traffic*
 5 *safety convictions and at-fault accidents on insurance*
 6 *rates for young drivers.*

7 “(3) *READILY DISTINGUISHABLE LICENSES FOR*
 8 *YOUNG DRIVERS.—For purposes of this section, a*
 9 *State is eligible for a supplemental grant for a fiscal*
 10 *year in an amount, subject to subsection (c), not to*
 11 *exceed 5 percent of the amount apportioned to such*
 12 *State for fiscal year 1989 under section 402 of this*
 13 *title if such State is eligible for a basic grant and in*
 14 *addition such State—*

15 “(A) *requires that the provisional driver’s*
 16 *license, or full driver’s license, of any driver*
 17 *under 21 years of age be readily distinguishable*
 18 *from the licenses of drivers who are 21 years of*
 19 *age or older, through the use of special back-*
 20 *ground, marking, profile, or any other features,*
 21 *consistent with any guidelines developed by the*
 22 *Secretary in cooperation with the American As-*
 23 *sociation of Motor Vehicle Administrators; and*

24 “(B) *employs the Social Security number as*
 25 *a common identifier on every driver’s license so*

1 *as to facilitate the transfer of traffic records*
2 *among States.*

3 “(4) *DRIVER TRAINING PREREQUISITE.*—*For*
4 *purposes of this section, a State is eligible for a sup-*
5 *plemental grant in an amount, subject to subsection*
6 *(c), not to exceed 5 percent of the amount apportioned*
7 *to such State for fiscal year 1989 under section 402*
8 *of this title if such State is eligible for a basic grant*
9 *and in addition such State requires that a provi-*
10 *sional driver’s license may be issued only to a driver*
11 *who has satisfactorily completed a State-accepted*
12 *driver education and training program that meets*
13 *Department of Transportation guidelines and in-*
14 *cludes information on the interaction of alcohol and*
15 *controlled substances and the effect of such interaction*
16 *on driver performance, and information on the im-*
17 *portance of motorcycle helmet use and safety belt use.*

18 “(5) *REMEDIAL DRIVER EDUCATION.*—*For pur-*
19 *poses of this section, a State is eligible for a supple-*
20 *mental grant for a fiscal year in an amount, subject*
21 *to subsection (c), not to exceed 5 percent of the*
22 *amount apportioned to such State for fiscal year 1989*
23 *under section 402 of this title if such State is eligible*
24 *for a basic grant and in addition such State requires,*
25 *at a lower point threshold than for other drivers, re-*

1 *medial driver improvement instruction for drivers*
2 *under 21 years of age and requires such remedial in-*
3 *struction for any driver under 21 years of age who*
4 *is convicted of reckless driving, excessive speeding,*
5 *driving under the influence of alcohol, or driving*
6 *while intoxicated.*

7 “(6) *PROVISIONAL LICENSE REQUIREMENT*
8 *AFTER LICENSE SUSPENSION OR REVOCATION.—For*
9 *purposes of this section, a State is eligible for a sup-*
10 *plemental grant for a fiscal year in an amount, sub-*
11 *ject to subsection (c), not to exceed 5 percent of the*
12 *amount apportioned to such State for fiscal year 1989*
13 *under section 402 of this title if such State is eligible*
14 *for a basic grant and in addition such State requires*
15 *that any driver whose driving privilege is restored*
16 *after license suspension or revocation resulting from*
17 *a traffic safety violation shall for at least 1 year be*
18 *subject to the following:*

19 “(A) *The restored license shall be imme-*
20 *diately suspended, for a period to be determined*
21 *by the Secretary, upon the driver’s conviction of*
22 *any moving traffic safety violation, except that*
23 *the Secretary may by regulation define limited*
24 *circumstances under which the State may waive*
25 *this immediate suspension requirement.*

1 “(B) A full driver’s license shall be issued
2 only after the driver has held a provisional li-
3 cense for at least 1 year with a clean driving
4 record, as described in subsection (e)(2)(B).

5 “(C) The driver shall be—

6 “(i) deemed to be driving while intoxi-
7 cated if the driver has a blood alcohol con-
8 centration of .02 percent or greater; or

9 “(ii) prohibited from operating a
10 motor vehicle with such a blood alcohol con-
11 centration.

12 “(7) RECORD OF SERIOUS CONVICTIONS; HABIT-
13 UAL OR REPEAT OFFENDER SANCTIONS.—For pur-
14 poses of this section, a State is eligible for a supple-
15 mental grant for a fiscal year in an amount, subject
16 to subsection (c), not to exceed 5 percent of the
17 amount apportioned to such State for fiscal year 1989
18 under section 402 of this title if such State is eligible
19 for a basic grant and in addition such State—

20 “(A) requires that a notation of any serious
21 traffic safety conviction of a driver be main-
22 tained on the driver’s permanent traffic record
23 for at least 10 years after the date of the convic-
24 tion; and

1 “(B) provides additional sanctions for any
 2 driver who, following conviction of a serious
 3 traffic safety violation, is convicted during the
 4 next 10 years of one or more subsequent serious
 5 traffic safety violations.

6 “(8) OVERSIGHT OF ALCOHOL SALES TO UNDER-
 7 AGE DRINKERS.—For purposes of this section, a State
 8 is eligible for a supplemental grant for a fiscal year
 9 in an amount, subject to subsection (c), not to exceed
 10 5 percent of the amount appropriated to such State
 11 for fiscal year 1989 under section 402 of this title if
 12 such State is eligible for a basic grant and in addi-
 13 tion such State exercises effective oversight of colleges
 14 and universities to ensure that colleges and univer-
 15 sities do not provide, and do not allow the selling of,
 16 alcohol to individuals under 21 years of age.

17 “(g) APPLICABILITY OF CHAPTER 1.—

18 “(1) IN GENERAL.—Except as otherwise provided
 19 in this subsection, all provisions of chapter 1 of this
 20 title that are applicable to National Highway System
 21 funds, other than provisions relating to the apportion-
 22 ment formula and provisions limiting the expenditure
 23 of such funds to the Federal-aid systems, shall apply
 24 to the funds authorized to be appropriated to carry
 25 out this section.

1 “(2) *INCONSISTENT PROVISIONS.*—If the Sec-
2 retary determines that a provision of chapter 1 of this
3 title is inconsistent with this section, such provision
4 shall not apply to funds authorized to be appro-
5 priated to carry out this section.

6 “(3) *CREDIT FOR STATE AND LOCAL EXPENDI-*
7 *TURES.*—The aggregate of all expenditures made dur-
8 ing any fiscal year by a State and its political sub-
9 divisions (exclusive of Federal funds) for carrying out
10 the State highway safety program (other than plan-
11 ning and administration) shall be available for the
12 purpose of crediting such State during such fiscal
13 year for the non-Federal share of the cost of any
14 project under this section (other than one for plan-
15 ning or administration) without regard to whether
16 such expenditures were actually made in connection
17 with such project.

18 “(4) *INCREASED FEDERAL SHARE FOR CERTAIN*
19 *INDIAN TRIBE PROGRAMS.*—In the case of a local
20 highway safety program carried out by an Indian
21 tribe, if the Secretary is satisfied that an Indian tribe
22 does not have sufficient funds available to meet the
23 non-Federal share of the cost of such program, the
24 Secretary may increase the Federal share of the cost

1 *thereof payable under this title to the extent nec-*
 2 *essary.*

3 “(5) *TREATMENT OF TERM ‘STATE HIGHWAY DE-*
 4 *PARTMENT’.*—*In applying provisions of chapter 1 in*
 5 *carrying out this section, the term ‘State highway de-*
 6 *partment’ as used in such provisions shall mean the*
 7 *Governor of a State and, in the case of an Indian*
 8 *tribe program, the Secretary of the Interior.*

9 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 10 *are authorized to be appropriated to carry out this section,*
 11 *\$9,000,000 for the fiscal year ending September 30, 1996,*
 12 *\$12,000,000 for the fiscal year ending September 30, 1997,*
 13 *and \$14,000,000 for the fiscal year ending September 30,*
 14 *1998, \$16,000,000 for the fiscal year ending September 30,*
 15 *1999, and \$18,000,000 for the fiscal year ending September*
 16 *30, 2000.”.*

17 (b) *CONFORMING AMENDMENT.*—*The analysis of chap-*
 18 *ter 4 of title 23, United States Code, is amended by insert-*
 19 *ing immediately after the item relating to section 410 the*
 20 *following new item:*

“411. Programs for young drivers.”.

21 (c) *DEADLINES FOR ISSUANCE OF REGULATIONS.*—
 22 *The Secretary shall issue and publish in the Federal Reg-*
 23 *ister proposed regulations to implement section 411 of title*
 24 *23, United States Code (as added by this section), not later*
 25 *than 6 months after the date of enactment of this Act. The*

1 *final regulations for such implementation shall be issued,*
 2 *published in the Federal Register, and transmitted to Con-*
 3 *gress not later than 12 months after such date of enactment.*

4 ***SEC. 222. PROGRAM EVALUATION.***

5 (a) *EVALUATION BY SECRETARY.*—The Secretary
 6 shall, under section 403 of title 23, United States Code, con-
 7 duct an evaluation of the effectiveness of State provisional
 8 driver's licensing programs and the grant program author-
 9 ized by section 411 of title 23, United States Code (as added
 10 by section 101 of this Act).

11 (b) *REPORT TO CONGRESS.*—By January 1, 1997, the
 12 Secretary shall transmit a report on the results of the eval-
 13 uation conducted under subsection (a) and any related re-
 14 search to the Committee on Commerce, Science, and Trans-
 15 portation of the Senate and the Committee on Public Works
 16 and Transportation of the House of Representatives. The
 17 report shall include any related recommendations by the
 18 Secretary for legislative changes.

19 ***SUBTITLE C—OLDER DRIVER***
 20 ***PROGRAMS***

21 ***SEC. 231. OLDER DRIVER SAFETY RESEARCH.***

22 (a) *RESEARCH ON PREDICTABILITY OF HIGH RISK*
 23 *DRIVING.*—

24 (1) *The Secretary shall conduct a program that*
 25 *funds, within budgetary limitations, the research*

1 challenges presented in the Transportation Research
2 Board's report entitled "Research and Development
3 Needs for Maintaining the Safety and Mobility of
4 Older Drivers" and the research challenges pertaining
5 to older drivers presented in a report to Congress by
6 the National Highway Traffic Safety Administration
7 entitled "Addressing the Safety Issues Related to
8 Younger and Older Drivers".

9 (2) To the extent technically feasible, the Sec-
10 retary shall consider the feasibility and further the
11 development of cost efficient, reliable tests capable of
12 predicting increased risk of accident involvement or
13 hazardous driving by older high risk drivers.

14 (b) *SPECIALIZED TRAINING FOR LICENSE EXAMIN-*
15 *ERS.*—The Secretary shall encourage and conduct research
16 and demonstration activities to support the specialized
17 training of license examiners or other certified examiners
18 to increase their knowledge and sensitivity to the transpor-
19 tation needs and physical limitations of older drivers, in-
20 cluding knowledge of functional disabilities related to driv-
21 ing, and to be cognizant of possible countermeasures to deal
22 with the challenges to safe driving that may be associated
23 with increasing age.

24 (c) *COUNSELING PROCEDURES AND CONSULTATION*
25 *METHODS.*—The Secretary shall encourage and conduct re-

1 *search and disseminate information to support and encour-*
2 *age the development of appropriate counseling procedures*
3 *and consultation methods with relatives, physicians, the*
4 *traffic safety enforcement and the motor vehicle licensing*
5 *communities, and other concerned parties. Such procedures*
6 *and methods shall include the promotion of voluntary ac-*
7 *tion by older high risk drivers to restrict or limit their driv-*
8 *ing when medical or other conditions indicate such action*
9 *is advisable. The Secretary shall consult extensively with*
10 *the American Association of Retired Persons, the American*
11 *Association of Motor Vehicle Administrators, the American*
12 *Occupational Therapy Association, the American Auto-*
13 *mobile Association, the Department of Health and Human*
14 *Services, the American Public Health Association, and*
15 *other interested parties in developing educational materials*
16 *on the interrelationship of the aging process, driver safety,*
17 *and the driver licensing process.*

18 (d) *ALTERNATIVE TRANSPORTATION MEANS.—The*
19 *Secretary shall ensure that the agencies of the Department*
20 *of Transportation overseeing the various modes of surface*
21 *transportation coordinate their policies and programs to*
22 *ensure that funds authorized under the Intermodal Surface*
23 *Transportation Efficiency Act of 1991 (Public Law 102–*
24 *240; 105 Stat. 1914) and implementing Department of*
25 *Transportation and Related Agencies Appropriation Acts*

1 *take into account the transportation needs of older Ameri-*
2 *cans by promoting alternative transportation means when-*
3 *ever practical and feasible.*

4 (e) *STATE LICENSING PRACTICES.*—*The Secretary*
5 *shall encourage State licensing agencies to use restricted li-*
6 *censes instead of canceling a license whenever such action*
7 *is appropriate and if the interests of public safety would*
8 *be served, and to closely monitor the driving performance*
9 *of older drivers with such licenses. The Secretary shall en-*
10 *courage States to provide educational materials of benefit*
11 *to older drivers and concerned family members and physi-*
12 *cians. The Secretary shall promote licensing and relicensing*
13 *programs in which the applicant appears in person and*
14 *shall promote the development and use of cost effective*
15 *screening processes and testing of physiological, cognitive,*
16 *and perception factors as appropriate and necessary. Not*
17 *less than one model State program shall be evaluated in*
18 *light of this subsection during each of the fiscal years 1996*
19 *through 1998. Of the sums authorized under subsection (i),*
20 *\$250,000 is authorized for each such fiscal year for such*
21 *evaluation.*

22 (f) *IMPROVEMENT OF MEDICAL SCREENING.*—*The Sec-*
23 *retary shall conduct research and other activities designed*
24 *to support and encourage the States to establish and main-*
25 *tain medical review or advisory groups to work with State*

1 *licensing agencies to improve and provide current informa-*
2 *tion on the screening and licensing of older drivers. The*
3 *Secretary shall encourage the participation of the public in*
4 *these groups to ensure fairness and concern for the safety*
5 *and mobility needs of older drivers.*

6 (g) *INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In*
7 *implementing the Intelligent Vehicle-Highway Systems Act*
8 *of 1991 (23 U.S.C. 307 note), the Secretary shall ensure*
9 *that the National Intelligent Vehicle-Highway Systems Pro-*
10 *gram devotes sufficient attention to the use of intelligent*
11 *vehicle-highway systems to aid older drivers in safely per-*
12 *forming driver functions. Federally-sponsored research, de-*
13 *velopment, and operational testing shall ensure the ad-*
14 *vancement of night vision improvement systems, technology*
15 *to reduce the involvement of older drivers in accidents oc-*
16 *curring at intersections, and other technologies of particu-*
17 *lar benefit to older drivers.*

18 (h) *TECHNICAL EVALUATIONS UNDER INTERMODAL*
19 *SURFACE TRANSPORTATION EFFICIENCY ACT.—In conduct-*
20 *ing the technical evaluations required under section 6055*
21 *of the Intermodal Surface Transportation Efficiency Act of*
22 *1991 (Public Law 102–240; 105 Stat. 2192), the Secretary*
23 *shall ensure that the safety impacts on older drivers are*
24 *considered, with special attention being devoted to ensuring*
25 *adequate and effective exchange of information between the*

1 *Department of Transportation and older drivers or their*
 2 *representatives.*

3 (i) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
 4 *funds authorized under section 403 of title 23, United*
 5 *States Code, \$1,250,000 is authorized for each of the fiscal*
 6 *years 1995 through 2000, and \$1,500,000 is authorized for*
 7 *each of the fiscal years 2001 through 2005, to support older*
 8 *driver programs described in subsections (a), (b), (c), (e),*
 9 *and (f).*

10 ***SUBTITLE D—HIGH RISK***
 11 ***DRIVERS***

12 ***SEC. 241. STUDY ON WAYS TO IMPROVE TRAFFIC RECORDS***
 13 ***OF ALL HIGH RISK DRIVERS.***

14 (a) *IN GENERAL.—Within 1 year after the date of en-*
 15 *actment of this Act, the Secretary shall complete a study*
 16 *to determine whether additional or strengthened Federal ac-*
 17 *tivities, authority, or regulatory actions are desirable or*
 18 *necessary to improve or strengthen the driver record and*
 19 *control systems of the States to identify high risk drivers*
 20 *more rapidly and ensure prompt intervention in the licens-*
 21 *ing of high risk drivers. The study, which shall be based*
 22 *in part on analysis obtained from a request for information*
 23 *published in the Federal Register, shall consider steps nec-*
 24 *essary to ensure that State traffic record systems are unam-*

1 *biguous, accurate, current, accessible, complete, and (to the*
2 *extent useful) uniform among the States.*

3 *(b) SPECIFIC MATTERS FOR CONSIDERATION.—Such*
4 *study shall at a minimum consider—*

5 *(1) whether specific legislative action is nec-*
6 *essary to improve State traffic record systems;*

7 *(2) the feasibility and practicality of further en-*
8 *couraging and establishing a uniform traffic ticket ci-*
9 *tation and control system;*

10 *(3) the need for a uniform driver violation point*
11 *system to be adopted by the States;*

12 *(4) the need for all the States to participate in*
13 *the Driver License Reciprocity Program conducted by*
14 *the American Association of Motor Vehicle Adminis-*
15 *trators;*

16 *(5) ways to encourage the States to cross-ref-*
17 *erence driver license files and motor vehicle files to fa-*
18 *cilitate the identification of individuals who may not*
19 *be in compliance with driver licensing laws; and*

20 *(6) the feasibility of establishing a national pro-*
21 *gram that would limit each driver to one driver's li-*
22 *cense from only one State at any time.*

23 *(c) EVALUATION OF NATIONAL INFORMATION SYS-*
24 *TEMS.—As part of the study required by this section, the*
25 *Secretary shall consider and evaluate the future of the na-*

1 tional information systems that support driver licensing.
 2 In particular, the Secretary shall examine whether the
 3 Commercial Driver's License Information System, the Na-
 4 tional Driver Register, and the Driver License Reciprocity
 5 program should be more closely linked or continue to exist
 6 as separate information systems and which entities are best
 7 suited to operate such systems effectively at the least cost.
 8 The Secretary shall cooperate with the American Associa-
 9 tion of Motor Vehicle Administrators in carrying out this
 10 evaluation.

11 **SEC. 242. STATE PROGRAMS FOR HIGH RISK DRIVERS.**

12 The Secretary shall encourage and promote State driv-
 13 er evaluation, assistance, or control programs for high risk
 14 drivers. These programs may include in-person license reex-
 15 aminations, driver education or training courses, license re-
 16 strictions or suspensions, and other actions designed to im-
 17 prove the operating performance of high risk drivers.

18 **SUBTITLE E—FUNDING**

19 **SEC. 251. FUNDING.**

20 (b) INCREASE IN AMOUNTS AVAILABLE FOR ALCOHOL-
 21 IMPAIRED DRIVING COUNTERMEASURES GRANTS.—In ad-
 22 dition to any amount otherwise appropriated or available
 23 for such use, the Secretary of Transportation is authorized
 24 to obligate \$15,000,000 for fiscal years 1995, 1996, and

1 1997 for the purpose of carrying out section 410 of title
 2 23, United States Code.

3 (c) *SOURCE OF FUNDS.*—The Secretary of Transpor-
 4 tation shall transfer amounts obligated under this section
 5 for fiscal years 1995, 1996, 1997, and 1998 from any
 6 amounts authorized but not appropriated to carry out sec-
 7 tion 31102 of title 49, United States Code.

Amend the title so as to read: To authorize appro-
 priations to carry out certain Federal railroad safety
 laws, and for other purposes.

S 2132 RS——2

S 2132 RS——3

S 2132 RS——4